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MEMO ENDORSED

October 12, 2007

BY HAND

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007

USDC SDNY
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Re: *Antonio Rivera, et al. v. City of New York, et al.*, 07-CV-8061(DLC)(KNF)

Dear Judge Cote:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing with the consent of plaintiffs' counsel, Brett H. Klein, Esq., to request a sixty-day enlargement of time, from October 15, 2007 to December 14, 2007, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action.

The plaintiffs allege, *inter alia*, violations of their constitutional rights under the Fourth and Fourteenth Amendments, when they were allegedly assaulted and falsely arrested by police officers and maliciously prosecuted on criminal charges without any probable cause. Plaintiffs also append supplemental state law claims.

Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and forward to the plaintiffs for execution authorizations for the release of the underlying arrest and prosecution records, which may have been sealed pursuant to NYCPL § 160.50. Without the underlying records, defendants cannot properly assess this case or respond to the complaint. Accordingly, the enlargement of time will afford us the opportunity to fully investigate the matter and to secure the relevant documents.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until December 14, 2007.

Thank you for your consideration of this matter.

*Granted.
James O'De
Oct. 17, 2007*

Respectfully submitted,

Hugh A. Zuber
Hugh A. Zuber (HZ 4935)

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BY FAX

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